

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO POLICE DEPARTMENTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that the Honolulu police  
2 department has been heavily criticized by lawmakers and the  
3 public in the wake of a September 2014 high-profile incident  
4 involving an off-duty Honolulu police department sergeant. The  
5 sergeant's actions sparked concern about the way police handle  
6 domestic violence cases and triggered an informational briefing  
7 at the state capitol, where Honolulu's police chief and two of  
8 his deputies were intensively questioned about the Honolulu  
9 police department's policies regarding domestic violence  
10 investigations.

11       The Honolulu police chief and his deputies told lawmakers  
12 at the informational briefing that the Honolulu police  
13 department has a zero tolerance policy when it comes to domestic  
14 violence and other serious offenses. However, the department's  
15 record on disciplining officers for domestic violence-related  
16 misconduct was called into question by lawmakers at the  
17 briefing.



1        Furthermore, the Hawaii state commission on the status of  
2 women has noted that they received approximately thirty-eight  
3 separate complaints from women who said officers with the  
4 Honolulu police department did not respond appropriately to  
5 allegations of abuse. The commission believes that the  
6 September 2014 incident involving the off-duty sergeant was not  
7 an isolated incident, but rather a pattern of inappropriate  
8 handling by some police officers in response to allegations of  
9 domestic violence.

10       The legislature questions whether the Honolulu police  
11 department is minimizing the problem of domestic violence,  
12 particularly when incidents involve a police officer. The  
13 legislature also questions whether any potential minimization of  
14 alleged incidents of domestic violence involving police officers  
15 is based on concern over the Lautenberg Amendment, a federal law  
16 that forbids anyone, including a police officer, with a  
17 misdemeanor domestic violence conviction from owning or  
18 possessing a firearm.

19       The legislature additionally finds that the International  
20 Association of Chiefs of Police, in collaboration with the  
21 United States Department of Justice, Office on Violence Against



1 Women, has created numerous resources on domestic violence and  
2 intimate partner crimes, including various model policies for  
3 law enforcement agencies. These model policies are available  
4 for free on the International Association of Chiefs of Police's  
5 website as a public service. In particular, the International  
6 Association of Chiefs of Police Domestic Violence by Police  
7 Officers Model Policy focuses on early intervention, incident  
8 response, and investigation procedures and has served as a  
9 foundation for agencies across the country looking to adopt and  
10 implement policies to address this problem.

11 The legislature also finds that the public has a right to  
12 know how police officers are expected to respond to domestic  
13 violence incidents, including domestic violence incidents  
14 involving a fellow officer. As the Honolulu police chief noted  
15 to reporters after a September meeting with lawmakers, "[W]here  
16 you lose the trust and confidence in an organization like your  
17 police department, it is because we are not sharing enough  
18 information."

19 Requiring county police departments to post their domestic  
20 violence policy, officer-involved domestic violence policy, and  
21 standards of conduct online will offer assurances to the public



1 that there are policies in place for responding to these  
2 incidents. Posting these policies online will bring additional  
3 accountability and transparency to the police departments and  
4 ensure that police departments properly enforce the State's  
5 domestic violence laws, regardless of the identity of the  
6 perpetrator. It is also a particularly important step in  
7 restoring the public's trust in the Honolulu police department  
8 and in the county police departments as a whole.

9 Accordingly, the purpose of this Act is to require each  
10 county police department to post its policies relating to  
11 domestic violence, officer-involved domestic violence, and  
12 standards of conduct on its official website.

13 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 **"§52D- Domestic violence policies; standard of conduct**  
17 **policies.** Each county police department shall post its policies  
18 relating to domestic violence, officer-involved domestic  
19 violence, and standards of conduct on its official website."

20 SECTION 3. New statutory material is underscored.  
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# S.B. NO. 388

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Ramon T. Ruiz*

*Randy de Baker*

*Jim*

*Michael*

*Michelle Fedorini*

*Shane Mendoza*

*Elizabeth Oakland*

*Grace L. Anaya*



# S.B. NO. 388

**Report Title:**

County Police Departments; Domestic Violence Policies; Standards of Conduct

**Description:**

Requires each county police department to post its policies relating to domestic violence, officer-involved domestic violence, and standards of conduct on its official website.

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